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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,828	01/30/2004	Dennis Tseng	BHT-3244-27	4579

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TROXELL LAW OFFICE PLLC
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FALLS CHURCH, VA 22041

EXAMINER

MARTINEZ, JOSEPH P

ART UNIT	PAPER NUMBER
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2873

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/766,828

Applicant(s)

TSENG, DENNIS

Examiner

Joseph P. Martinez

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3 and 10-12 is/are allowed.
- 6) ☒ Claim(s) 4,5,7 and 8 is/are rejected.
- 7) ☒ Claim(s) 6 and 9 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the light-splitter and splitting the light with the light splitter must be shown or the feature(s) canceled from the claim(s). In the instant case, fig. 2-7 detail a half mirror or optical device with half mirror attributes (as is well known in the art and solely for illustrative purposes), wherein the light emitted from 1 is completely transmitted through 2, 6, 7, 8, or 9 and fully reflected off 2 after reflecting from 3, as shown. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 4 and 7 are rejected under 35 U.S.C. 102(b) as being fully anticipated by Chen et al. (5448649).

Re claims 4 and 7, Chen et al. teaches for example in fig. 2 and 8, an optical image retrieval method for detecting an optical image signal reflected from an image contacting surface under a transparent medium, the method comprising steps as follows: generating a light and projecting the light (via 112) in a vertical (towards 49, fig. 2) or horizontal (towards 115, fig. 8) direction; directing the light to a light-splitter unit (115); directing the light reflected by the light-splitter unit (col. 3, ln. 30-32) to an image contacting surface (64) under (relative to 66) the transparent medium (66); reflecting the optical image signals onto the light-splitter unit, wherein an image retrieval optical axis (73) overlaps with an optical axis of light reflected by the light splitter (wherein the office interprets fig. 8 to denote the light path from 103 to 115 is overlapped with the light path of 115 to 103); transmitting optical image signals returned from the image contacting surface to a lens by the light-splitter unit (wherein the office interprets fig. 8 to denote the beam splitter reflects the signal from 112 to 103 and transmits the signal from 103 to 114), wherein the lens will focus (col. 3, ln. 34-35) the optical image signals to an image detecting element (44).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (5448649).

Re claims 5 and 8, Chen et al. teaches for example, the optical image retrieval method as disclosed above, including a transparent optical substrate (66, fig. 4).

But, Chen et al. fails to explicitly teach the transparent medium is glass.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide glass as a transparent medium, since a transparent medium and glass are known equivalents in the art and the selection of any of these known equivalents would be within the level of ordinary skill in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Chen et al. with a transparent medium made of glass in order to provide a cost savings in material.

Allowable Subject Matter

Claims 1-3 and 10-12 are allowed.

Claims 6 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: the prior art taken alone or in combination fails to anticipate or fairly suggest the limitations of the claims, in such a manner that a rejection under 35 USC 102 or 103 would be proper. The prior art fails to teach a combination of all the claimed features as presented in independent claims 1, 4, and 10.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

The following is a statement of reasons for the indication of allowable subject matter: the prior art taken alone or in combination fails to anticipate or fairly suggest the limitations of the claims, in such a manner that a rejection under 35 USC 102 or 103 would be proper. The prior art fails to teach a combination of all the claimed features as presented in dependent claims 6 and 9.

Specifically regarding claim 1, Chen et al. (5448649) teaches the state of the art of optical image retrieval.

But, Chen et al. fails to explicitly teach directing a transmitted light passing through the light-splitter unit to the image contacting surface under the transparent medium for producing the optical image signal and reflecting the optical image signals returned from the image contacting surface to a lens, as claimed.

Specifically regarding claim 10, Chen et al. (5448649) teaches the state of the art of optical image retrieval.

But, Chen et al. fails to explicitly teach directing the light reflected by a lens unit twice to an image contacting surface under a transparent medium and wherein an image retrieval optical axis overlaps with the optical axis of the light reflected twice by the lens unit, as claimed.

Specifically regarding claims 6 and 9, Chen et al. (5448649) teaches the state of the art of optical image retrieval.

But, Chen et al. fails to explicitly teach images are also retrieved on a non-transparent medium, as claimed.

Conclusion

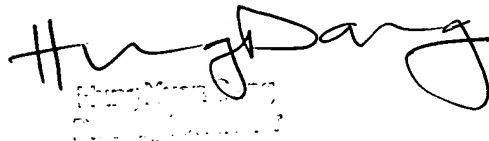
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph P. Martinez whose telephone number is 571-272-2335. The examiner can normally be reached on M-F 7:00 AM to 3:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached on 571-272-2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JPM
12-17-04

A handwritten signature in black ink, appearing to read "H. J. Dang", is written over a faint, rectangular stamp. The signature is fluid and cursive.